

11/09/01  
JC945 U.S. PTO  
10-50-11

01-07-02

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#2/A  
3-13-02

**CONTINUING PATENT APPLICATION  
TRANSMITTAL** (for Continuing  
Applications under 37 C.F.R. §1.53(b))

Attorney Docket No. 72402

First Named Inventor or Application  
Identifier:  
Van Bommel

11036 U.S. PTO  
10/037960  
11/09/01

Box PATENT APPLICATION  
Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

This is a request under 37 C.F.R. §1.53(b) for  
filing a:

- ☒ Continuation application,
- ☐ Divisional application,
- ☐ Continuation-in-Part application,

**CERTIFICATE OF MAILING BY "EXPRESS MAIL"**

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I hereby certify that this paper or fee is being deposited  
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D.C. 20231.

Ed Price  
(Typed or printed name of person mailing)

*Ed Price*  
(Signature of person mailing)

of pending prior application number 09/432,621, filed on November 3, 1999 by  
inventor(s) van Bommel for Method of Removing the Fibrous Grain from Cereal Grains.

1. ☒ This is a continuation or divisional application. Enclosed is a copy of the prior  
application as originally filed, including specification, claims, drawings, and oath or  
declaration.

- or -

- ☐ Enclosed is a patent application (for continuation, divisional, or continuation-in-part  
applications) containing:

☐ \_\_\_\_\_ pages of the specification (including claims).

☐ \_\_\_\_\_ sheet(s) of drawings. ☐ Formal ☐ Informal

2. ☒ Amend the specification by inserting before the first line the sentence: -This is a  
continuation, division, continuation-in-part, of prior application number  
09/432,621, filed November 3, 1999, which is hereby incorporated  
herein by reference in its entirety.-- The entire disclosure of the prior application,  
from which a copy of the oath or declaration is supplied under paragraph 3 below,  
is considered as being part of the disclosure of the accompanying application, and  
is hereby incorporated by reference therein.

3. ☒ A copy of the executed Oath or Declaration filed in the prior nonprovisional  
application is enclosed.

4. ☐ Inventorship:

☐ A newly-executed Oath or Declaration and Power of Attorney is enclosed (for continuation-in-part applications, or for continuation or divisional applications naming an inventor not named in the prior application) (§ 1.63(a), (d)(5) and (e)).

☐ Because this application is being filed by fewer than all of the inventors named in the prior application, delete the following inventor(s) named in the prior nonprovisional application (37 C.F.R. § 1.63(d)(1)(2)):

\_\_\_\_\_  
\_\_\_\_\_

☐ The names of persons believed to be the actual inventors are set forth in the enclosed unexecuted Oath or Declaration and Power of Attorney (§ 1.41(a) and § 1.53(b)).

5. ☐ An Assignment of the invention to \_\_\_\_\_, and cover sheet are enclosed.

☐ Charge Deposit Account No. 06-1135 \_\_\_\_.

6. ☒ The prior application is assigned of record to Cargill B.V..

7. ☐ Small Entity Status (37 C.F.R. § 1.28(a)(2)):

☐ Applicant(s) assert entitlement to Small Entity Status.

☐ Status as a small entity is not claimed.

8. ☐ A 37 C.F.R. § 3.73(b) statement is enclosed where an assignee seeks to take action.

9. ☐ A preliminary amendment is enclosed.

10. ☐ Drawings:

☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file. (May be used only if signed by person authorized by § 1.138 and before payment of base issue fee.)

☐ New formal drawings are enclosed.

☐ Informal drawings are enclosed.

11. ☒ A separate written request under 37 C.F.R. §1.136(a)(3), which is a general authorization to treat any concurrent or future reply requiring a petition for an extension of time under 37 C.F.R. §1.136(a) for its timely submission as incorporating a petition for an extension of time for the appropriate length of time, is enclosed.
12. ☐ An Information Disclosure Statement is enclosed.
- ☐ A Form PTO-1449 is enclosed.
- ☐ \_\_\_\_\_ References (copies) listed on the Form PTO-1449 are enclosed.
13. ☐ A Computer Program Listing Appendix is enclosed.
- ☐ A Transmittal Cover Letter for Computer Program Listing Appendix is enclosed.
- ☐ Two (2) Compact Discs are enclosed.
14. ☐ A Nucleotide and/or Amino Acid Sequence Submission is enclosed.
- ☐ A Computer Readable Copy is enclosed.
- ☐ A Paper Copy (Identical to Computer Copy) is enclosed.
- ☐ A Statement Verifying Identity of above Copies is enclosed.
15. ☒ A Return Receipt Postcard is enclosed (MPEP §503).
16. ☒ Priority of application number 1011901 filed on April 27, 1999 in The Netherlands is claimed under 35 U.S.C. §119.
- ☒ The certified copy of the priority document has been filed in prior application number 09/432,621, filed November 3, 1999.
- ☐ A certified copy of the priority document is enclosed.
17. ☒ Power of Attorney:
- ☒ The power of attorney in the prior application is to:
- ☒ Timothy E. Levstik, Registration No. 30,192  
FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406.  
and other members of the firm.
- ☒ Customer Number 22242.

- ☐ The power appears in the original papers in the prior application.
- ☐ Since the power does not appear in the original papers in the prior application, a copy of the power in the prior application is enclosed.
18. ☐ Cancel in this application original claims 0 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
19. ☒ The filing fee is calculated below:

Fee Calculation for Claims as Filed in the Prior Application,  
Less Any Claims Cancelled by Amendment

Basic Utility Fee					\$740.00	\$	740.00
Independent Claims	<u>2</u>	-	<u>3</u>	=	<u>0</u>	x	\$ 84.00 = \$ 0.00
Total Claims	<u>20</u>	-	<u>20</u>	=	<u>0</u>	x	\$ 18.00 = \$ 0.00
Fee for Multiply Dependent Claims					\$280.00	\$	0.00
or							
Basic Design Fee					\$330.00	\$	0.00
					Total Filing Fee	\$	740.00

- ☐ Applicant(s) assert entitlement to Small Entity Status, reducing the Filing Fee by half to: \_\_\_\_\_
20. ☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee is enclosed.
21. ☒ Charge \$ 740.00 to Deposit Account No. 06-1135.
22. ☐ The payment of the Filing Fee is to be deferred until the Declaration is filed. Do not charge our Deposit Account.
23. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. A duplicate copy of this request is enclosed.
24. ☐ Also enclosed:

25. ☒ Address all future communications to Customer Number 22242.



11/09/01

Date

James P. Krueger

Registration No. 35,234

☐ Attorney or agent of record

☐ Filed under §1.34(a)

FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007

PATENT

Attorney Docket No. 72402

Commissioner of Patents and Trademarks  
ATTENTION: Assistant Commissioner for Patents  
Washington, D.C. 20231

j1036 U.S. PTO  
10/037960  
11/09/01

Applicant(s): van Bommel

Appln No.:

Filed: Herewith

For: Method of Removing the Fibrous  
Grain from Cereal Grains

Group Art  
Unit:

Examiner:

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "Express Mail" Mailing Label Number

) EL 667 460 305 US

) Date of Deposit 11/09/01

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) with the United States Postal Service "Express Mail  
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) on the date indicated above and is addressed to the  
) Commissioner of Patents and Trademarks, Washington,  
) D.C. 20231.

) ED PRICE  
) (Typed or printed name of person mailing)

) ED Price  
) (Signature of person mailing)

**GENERAL AUTHORIZATION FOR PETITION FOR  
EXTENSION OF TIME UNDER 37 C.F.R. §1.136(a)(3)**

Applicant(s) hereby request under 37 C.F.R. §1.136(a)(3) by this general authorization that any concurrent or future reply submitted by Applicant(s) to the U.S. Patent and Trademark Office for the above-identified patent application requiring a petition for an extension of time under §1.136(a) for its timely submission be treated as incorporating therein a petition for an extension of time for the appropriate length of time.

If Applicant(s) do not timely pay for any extension fee(s) pursuant to 37 C.F.R. §1.136(a) which may become due for this application under 37 C.F.R. §1.17 by check, the Commissioner is hereby authorized to charge such fee(s), and any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135.

11/09/01

Date

James P. Krueger

James P. Krueger

Registration No. 35,234

FITCH, EVEN, TABIN & FLANNERY  
Suite 1600  
120 South LaSalle Street  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007